

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TAYLOR DEVICES, INC.,

Plaintiff,

v.

ORDER
07-CV-153A

WALBRIDGE ALDINGER COMPANY, et al.,

Defendants.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on April 23, 2007. On April 20, 2007, defendants Walbridge Aldinger Company ("Walbridge") and The Walbridge Group, Inc. ("Walbridge Group") filed a motion to dismiss for lack of personal jurisdiction. On April 30, 2007, defendant Walbridge de Mexico, S.A. de C.V. (Walbridge Mexico), filed a motion to dismiss for lack of personal jurisdiction and forum non conveniens. On December 20, 2007, Magistrate Judge Foschio filed a Report and Recommendation, recommending that Walbridge's motion be dismissed as moot, Walbridge Group's motion be granted, and Walbridge Mexico's motion be denied.

Defendant Walbridge Mexico filed objections to the Report and Recommendation on January 7, 2008, and plaintiff filed a response thereto on January 22, 2008. Oral argument on the objections was held on March 4, 2008.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's well-reasoned and thorough Report and Recommendation, Walbridge's motion to dismiss is dismissed as moot, Walbridge Group's motion to dismiss is granted, and Walbridge Mexico's motion to dismiss is denied.

This case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 12, 2008